

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

No. 2:16cr7-KS-MTP

CHARLES BOLTON and
LINDA BOLTON

MOTION FOR CONTINUANCE

As counsel for Defendant Linda Bolton, the undersigned hereby moves for a continuance of the trial date until the United States Department of Justice has completed the review that it recently announced into allegations that the Boltons were targeted for prosecution because of the political activity of Charles Bolton. In the alternative, the undersigned moves for a continuance of such time as the Court deems appropriate for further preparation in light of the fact that discovery is ongoing and that the Government's summary charts have yet to be produced even though there are only five business days between now and the time of trial.

The news media recently revealed the existence of an August 19, 2016 letter from the United States Department of Justice stating that the Office of Professional Responsibility and the Office of the Inspector General of the Department are reviewing concerns expressed by Congressman Bennie Thompson in the April 26, 2016 letter he wrote to Attorney General Loretta Lynch. (Copies of both letters are

attached to this motion). These concerns included the targeting of the Boltons for prosecution because of the political activity of Charles Bolton. The result of that review could affect the course of this prosecution. More importantly, awaiting the conclusion of that review is important in insuring public confidence in the integrity of the legal process as it plays out in this case.

Even if the Court denies that request for a continuance, the undersigned moves in the alternative for a continuance of such time as the Court deems appropriate to allow for further preparation. Discovery is ongoing, and the prosecution provided additional discovery to the Defense last week and again this week. In big document cases like this, late discovery sometimes happens through no one's fault. It is appropriate for the prosecution to continue providing discovery as they become aware of it. But the timing of discovery can make it difficult for the Defense to prepare for a trial just around the corner. Moreover, with only five business days between now and the trial, the Government has yet to provide the summary charts that will constitute the essence of their case.

When the undersigned entered an appearance in this case, he was aware of the Court's order granting a continuance of the trial until September 12 but no further, and the history of the case set forth in that order. He also was aware that any further continuance was unlikely. The undersigned has been working diligently to prepare, and has benefited from the information provided by Charles

Bolton's counsel, Mr. Owen, and by the information obtained by Ms. Ross and Mr. Tanner in the short time they have been on the case, all of which they have shared. Nevertheless, preparation is difficult, particularly when the summary charts have yet to be disclosed, giving counsel even less time to understand the parameters of the case and to organize the large volume of documents that are relevant.

Accordingly, even if the Court is not inclined to postpone the trial until the Justice Department review is complete, a shorter continuance would be extremely helpful in insuring full preparation for trial, and the undersigned respectfully requests a continuance of such duration as the Court deems appropriate.

Defendant Linda Bolton has already filed a waiver of her Speedy Trial rights as part of the previous request by Ms. Ross and Mr. Tanner for a two-month continuance. See doc. 42 and exhibit 1 to doc. 42. In the event the Court is inclined to grant a continuance at this time and would prefer a further waiver, counsel will obtain it promptly.

Respectfully Submitted,

s/Robert B. McDuff
ROBERT B. McDUFF
Miss. Bar #2532
767 North Congress Street
Jackson, MS 39202
(601) 969-0802
(601) 969-0804 (fax)
rbm@mcdufflaw.com

September 1, 2016

Counsel for Linda Bolton

CERTIFICATE OF SERVICE

I certify that I have electronically filed the foregoing through the Court's ECF system, which will send notification to, and electronically serve a copy on, all counsel of record in this case. This 1st day of September, 2016.

s/ Robert B. McDuff
Counsel for Linda Bolton